

BOARD OF COMMISSION APPEALS BYLAWS

Article I Establishment

The Board of Commission Appeals was established in Chapter 3118 of the Columbus City Codes, 1959.

Article II Purpose

A non-judicial appeal procedure is required from the decisions of the various architectural review and historic preservation commissions established in titles 31 and 33 of the Columbus City Codes, 1959, in addition to the rehearing, negotiation, mediation and alternate plan development processes provided to efficiently facilitate problem resolution regarding historic preservation and architectural review.

Article III Membership

Section 1. The Board of Commission Appeals consists of five (5) members appointed by the Mayor who serve without compensation. Each member shall have demonstrated interest and/or experience in historic preservation and economic development and shall not concurrently be a member of any historic preservation or architectural review commission. In establishing the Board, City Council recommended, the appointment of a member of the Mayor's Administrative staff; and two (2) members who reside in, own a business with a building in or own a building in an area commission or neighborhood organization which includes one or more listed properties or Architectural Review Commissions; and two (2) members from professions and individuals such as, but not limited to an architect, an attorney, a developer, a Columbus Realtor, a business person from a commercial area, located in or adjacent to a District. Interested individuals, organizations, area commissions, architectural review commissions and neighborhood organizations may submit up to three qualified candidates for consideration by the Mayor.

Section 2. The terms of membership are for three years. Initially three (3) members were appointed for three years, two (2) for two (2) years and one (1) member for one (1) year.

Section 3. Any member desiring to resign shall submit his or her resignation in writing to the Mayor.

Section 4. Absence without cause from two (2) consecutive meetings shall be deemed to create a vacancy in that membership term and shall be reported to the Mayor.

Section 5. Any vacancies caused by resignation, death, disqualification or other means shall be filled for the unexpired term in the same manner as the original appointment.

Section 6. Upon the creation of any vacancy, the Board will notify the Mayor immediately of the vacancy and encourage the filling of the vacancy within sixty (60) days.

Section 7. No Board member shall vote on a case with which they have a conflict of interest. Members will provide the chairperson with a full disclosure of the conflict, which shall be recorded in the Minutes. Upon such disclosure, the Commission shall take appropriate action.

Section 8. The Development Department shall provide staff for the Board that shall include both professional and clerical support.

Article IV Duties

The Board of Commission Appeals shall hear and consider in compliance with the provisions of this chapter, appeals from any commissions, denial of an application for a certificate of appropriateness for proposed construction, alteration or demolition of a structure, appurtenance or architectural feature of a listed property or district based on a Claim of Unusual and Compelling Circumstances or Substantial Economic Hardship in accordance with the provisions of Columbus City Code Chapters 3116 and 3118.

Article V Officers

Section 1. The officers of the Board of Commission Appeals shall be a Chairperson and Secretary. These officers shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the Commission. Staff shall be provided by the Development Department and shall not be members of the Board.

Section 2. The Chairperson shall preside at all meetings of the Board. The Chairperson shall appoint all committees, be an ex-officio member thereof and shall have a vote on all issues. The Chairperson shall also have the authority to act as spokesperson for the Board.

Section 3. The Secretary shall assume the duties of the Chairperson in the absence of the officer.

Section 4. As soon as convenient after members have been appointed and approved and annually thereafter at the regular meeting held on the second Tuesday in June, a nominating committee of two (2) shall be appointed by the Chairperson to nominate a candidate for each office to be filled at the regular meeting in July. The nominating committee shall report at the regular meeting in July. Before the election at the meeting in July, additional nominations from the floor shall be permitted.

Section 5. The officers shall be elected by majority vote to serve for one (1) year or until their successors are elected, and their term of office shall begin at the close of the regular meeting of which they are elected.

Section 6. No member shall be eligible to serve more than two consecutive terms in the same office or serve more than one office at the same time.

Article VI Committees

The Chairperson shall, as necessary, appoint ad hoc committees to serve special purposes.

Article VII Meetings

Section 1. The following procedures shall be followed by the Board of Commission Appeals in the conducting of meetings.

- A) Regular meetings of the Commission shall be held on the second Tuesday of each month at 6:15 at locations to be published in the City Bulletin prior to the meeting.

Meetings will not be held on a holiday, the day before a holiday, the day after a holiday, or on an election day. The Chairperson of the Board may cancel or reschedule a meeting for lack of items of business or a quorum.

- B) Special meetings may be called by the Chairperson or by the written request of two (2) members of the Commission to evaluate grounds for appeal or conduct the hearing of an appeal. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least five (5) days notice shall be given by the Secretary of the Board of Commission Appeal to each Board member and to any applicants, commissions or aggrieved third parties with cases being appealed to the Board.
- C) A majority of the members of the Board of Commission Appeals serving at any time shall constitute a quorum. An affirmative vote by a majority of the Commission members present is necessary for approval of any action of the Board.

D) All meetings of the Board shall be open to the public. The order of business at regular meetings shall be as follows:

1. The Secretary shall have a roll call.
2. The Chairperson will ask for amendment to an approval of the minutes of the previous meeting.
3. The Chairperson will call upon any committees and staff to make their reports.
4. The Board will then conduct a hearing of appeals applications as outlined in Section 3.
5. The Board will then determine if appeal applications have a sufficient basis for appeal following the procedures in Section 2.
6. The Chairperson may then call upon Staff or Board members to present any old or new business before the Board.

E) The Chairperson may reasonably modify the order of business at any Board Meeting.

Section 2. Upon (i) completion by applicant of all steps necessary to appeal a denial by a historic preservation or architectural review commission to the Board of Commission Appeals as prescribed in Chapter 3116 of the City Code, (ii) the submission of an application to the Board, (iii) the receipt of a transcript by the Board of Commission appeals:

- (A) The Chairperson of the Board will schedule a meeting to review the transcript and Staff will submit copies to all Board members.
- (B) The meeting will be either a regularly scheduled meeting of the Board or a special Meeting.
- (C) At the hearing, the Board, by a majority vote, will evaluate the application and determine whether or not grounds exist for consideration of an appeal or that no such grounds exist.
- (D) Upon reaching such a determination, the Board shall notify the appropriate commission and applicant of its finding.

Section 3. In the event that the Board determines there are sufficient grounds for an appeal before them following the procedures in Section 2, it shall do the following:

- (A) Within thirty days from the receipt of the transcript the Chair will schedule and hold a hearing of the appeal application.

- (B) The hearing may be held at a regularly scheduled meeting or a special meeting of the Board.
- (C) The pertinent commission, the applicant and any aggrieved third parties identified in the transcript will be notified of the hearing at least seven (7) days prior to the meeting.
- (D) At the hearing, the Board will review and discuss the transcript and may call upon the Commission, the applicant or any aggrieved third parties only for purposes of clarifying the original transcript. No new evidence or claim will be heard as a part of this review.
- (E) The Board will deliberate and then reach a decision of the hearing within ten (10) days by a majority vote applying the criteria in C.C. 3118.09.
- (F) The Board will notify the applicant and Commission of its decision in writing.

Section 4. The rules contained in the current edition of “Robert’s Rules of Order Newly Revised” shall govern the Board of Commission Appeals in all cases where they are applicable and in which they are inconsistent with these Bylaws, special rules of order the Board of Commission Appeals may be adopted.

Article VIII

General Matters Pertaining to the Review of the Appeals

- Section 1. The preservation or architectural commission staff must submit a transcript or record of appeals with the appropriate drawings, specifications and photographs to the Board within ten days after an appeal application has been submitted to the Board.
- Section 2. The Staff will have an agenda for each regular or special meeting prepared five (5) days in advance. Said agenda will be available in the offices of the City of Columbus, Development Department, Planning Division and will be mailed to anyone who requests one.
- Section 3. In reviewing appeals applications, the Board may use architectural standards in C.C. 3116.11, .12, .13 and such design guidelines adopted by the appropriate architectural review or preservation commission.
- Section 4. If substantial new information, which would have had a bearing on the Commission’s decision, had it been available to the Commission, becomes available, between the Commission’s final order and the Board’s appeal hearing, the case shall be remanded to the Commission for a rehearing.
- Section 5. The review of an appeals application will be completed within thirty days of receipt of a transcript by the Board of Commission appeals as prescribed in C.C. 3118.06.

Article IX
Amendment of Bylaws

These Bylaws may be amended at any regular meeting of the Board of Commission Appeals by a two-thirds vote of the Board members then serving, provided that the amendment has been submitted in writing at the previous regular meeting and notice of the pendency of such proposal was given at least (10) days prior to such vote by publication in the City Bulletin and by letter to each member of the Board.

Article X

These Bylaws shall take effect upon the first meeting of the Board of Commission Appeals. The staff is directed to certify and file a true and exact copy hereof with the City Clerk and the Director of Development Department of the City of Columbus upon adoption.

ADOPTED THIS THIRTEENTH DAY OF SEPTEMBER 1990.

CHAIRPERSON